REMARKS

Claims 15-18 have been added. Claim 15 requires that less than about 10% of the retinol is decomposed by the UVA sunscreen after two months at 45°C. Claims 17 and 18 require that the composition is histidine free. Claim 16 is directed to methods for minimizing retinol decomposition in a composition comprising retinol and a UVA sunscreen agent. Support for these new claims exists throughout the specification, particularly in the examples. No new matter has been added through these new claims.

Claims 1-18 are currently pending.

The Office Action rejected claims 1-3, 5 and 12-14 under 35 U.S.C. §102 as anticipated by FR 2,779,060 ("Boussouira" -- which corresponds to U.S. patent 6,358,514 ("US '514")), and claims 1-14 under 35 U.S.C. §103 as obvious over U.S. patent 5,705,144 ("Harding") in view of U.S. patent 5,302,376 ("Forestier"). In view of the following comments, Applicants respectfully request reconsideration and withdrawal of these rejections.

As noted in the present specification, retinol is not particularly stable and readily decomposes. (Page 1, lines 22-26). This lack of stability and decomposition can be enhanced by the presence of UVA sunscreen agents. (Page 1, line 27 through page 2, line 1). That UVA sunscreen agents can enhance retinol decomposition is problematic, particularly in view of the fact that it could be desirable to have retinol and UVA sunscreen agents in the same compositions due to their complementary anti-aging activities. (Page 2, lines 2-9).

The claimed invention addresses such problems. The claimed invention relates to compositions containing a specific retinoid, retinol, and specific UVA

sunscreen agents, camphorsulphonic acid derivatives. The presence of these camphorsulphonic acid derivatives does not significantly degrade retinol within the composition. That is, about 90% of the retinol remains in the composition after two months at 45°C (or less than about 10% of the retinol is decomposed after two months at 45°C). In other words, the present invention enables minimization of retinol decomposition in a composition comprising retinol and a UVA sunscreen agent. None of the cited art teaches or suggests combining the claimed elements to yield a composition in which retinol is stable in the presence of the claimed UVA sunscreen agents. Accordingly, the present invention represents an advance in the art deserving of patent protection.

Regarding the §102 rejection, Boussouira discloses compositions in which retinoids are stabilized with histidine derivatives. Boussouira indicates that any sunscreen agent can be added to "reinforce the stability of the combination of the retinoid with the polyamino polymer, by limiting the harmful action of UV on the retinoid." (Col. 7, lines 55-57 of US '514). Boussouira's disclosure is fatally deficient in several ways.

First, Boussouira neither teaches nor suggests the claimed combination of retinol and the claimed camphorsulphonic acid derivatives. At most, Boussouira generally suggests combining any retinoid with any sunscreen agent. As a matter of law, such a general disclosure relating to the theoretical combination of potentially thousands of vitamin A derivatives with thousands of sunscreen agents cannot anticipate the specific subject matter of the claimed invention. *See, In re Meyer*, 599 F.2d 1026 (CCPA 1979); *Akzo v. International Trade Comm'n,* 808 F.2d 1471 (Fed. Cir. 1986). Boussouira provides no motivation or guidance to

combine retinol with the claimed camphorsulphonic acid derivatives with the expectation that the claimed retinol stability would result.

Second, Boussouira neither teaches nor suggests compositions in which about 90% of the retinol remains after two months at 45°C (or less than about 10% of the retinol is decomposed after two months at 45°C). Boussouira neither teaches nor suggests such retinol stability, either expressly or inherently, and the Office Action presents no evidence indicating that Boussouira discloses such retinol-stable compositions.

Third, Boussouira does not disclose that sunscreens stabilize retinoids, but rather that sunscreens reinforce the stability of the retinoid/histidine combination. (Col. 7, lines 54-57 of US '514).

Fourth, Boussouira neither teaches nor suggests that certain UVA sunscreens decompose retinol, whereas other UVA sunscreens do not. Based solely on Boussouira, one skilled in the art would not know which UVA sunscreens, if any, to combine with retinol to minimize retinol decomposition. Boussouira's general statement that sunscreens reinforce the stability of his retinoid/histidine combination by limiting the harmful action of UV on the retinoid in no way teaches or suggests the present invention which addresses problems primarily associated with retinol instability caused by the sunscreen agent itself.

Finally, with regard to claims 17 and 18, Boussouira requires the presence of a histidine compound, whereas the invention of these claims does not.

In view of the above, Applicants respectfully submit that the rejection under 35 U.S.C. § 102 is improper and should be withdrawn.

Regarding the §103 rejection, it is undisputed that Harding does not disclose or suggest combining retinol with the claimed UVA sunscreen agents or any benefits resulting from such a combination. Moreover, Harding neither teaches nor suggests that certain UVA sunscreens decompose retinol, whereas other UVA sunscreens do not. For example, Harding discloses that retinol can be combined with Parsol 1789. (Col. 7, line 17). Clearly, Harding neither teaches, suggests nor recognizes that UVA sunscreens such as Parsol 1789 can degrade retinol[1] and, thus, cannot teach or suggest ways to avoid such degradation. One skilled in the art, seeking a UVA sunscreen with which he could combine retinol without subjecting the retinol to significant degradation, would not be motivated by Harding to combine retinol with the claimed UVA sunscreens with the expectation that a retinol-stable composition would result.

Forestier does not compensate for Harding's deficiencies. Forestier neither teaches nor suggests that his sunscreens will not degrade retinol.

In view of the above, Applicants respectfully submit that the rejection under 35 U.S.C. §103 is improper and should be withdrawn.

[1] See, for example, example 2 of the present application.

Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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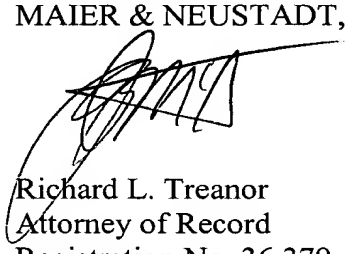

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